

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 10, 2025

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MATTHEW and SARAH ALERIA,
individually and for the marital community
thereof,

Plaintiffs,

v.

STATE FARM FIRE AND CASUALTY
COMPANY, an Illinois corporation, doing
business in the State of Washington,

Defendant.

No. 2:23-CV-00268-SAB

**ORDER VACATING AWARD
OF ATTORNEY'S FEES**

Before the Court is the parties' Stipulated Motion to Dismiss Case With Prejudice and Vacate Attorney Fees Award, ECF No. 28. Plaintiffs are represented by Joseph Kuhlman and Ryan Best. Defendants are represented by Christopher Furman and James Hicks. The motion was considered without oral argument.

On February 1, 2024, the Court issued an Order of Dismissal, ECF No. 18, dismissing this action without prejudice pursuant to Federal Rule of Civil Procedure 41(a) and awarding Defendant attorney's fees and costs. Plaintiffs moved for reconsideration as to the fees and costs, which the Court denied on March 14, 2024. Plaintiff appealed but voluntarily dismissed the appeal due to settlement. ECF No. 29.

ORDER VACATING AWARD OF ATTORNEY'S FEES - 1

1 The parties now jointly request the Court modify its Order of Dismissal,
2 dismissing this matter with prejudice and vacating the award of attorney's fees or
3 costs. Pursuant to Fed. R. Civ. P. 60(b)(6) and (c)(1), the Court grants the request
4 because the parties dispute resolution resulted in an agreement of no fees and the
5 request was made within a reasonable time after the Order of Dismissal.

6 Accordingly, **IT IS ORDERED:**

7 1. The parties' Stipulated Motion to Dismiss Case With Prejudice and
8 Vacate Attorney Fees Award, ECF No. 28, is **GRANTED**.

9 2. The Order of Dismissal, ECF No. 18, as it relates to the award of fees
10 **only**, is **VACATED**.

11 3. The District Court Clerk is **directed to modify** the Order of Dismissal
12 to dismiss this matter **with prejudice** and **without an award of attorney's fees or**
13 **costs** to either party.

14 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
15 this Order, provide copies to counsel, and keep the file **closed**.

16 **DATED** this 10th day of March 2025.



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22 Stanley A. Bastian
23 Chief United States District Judge
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